

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BRAULIO WENCES**

**Plaintiff,**

**v.**

**STATE FARM LLOYDS**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**No.** \_\_\_\_\_

**JURY**

**DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant State Farm Lloyds ("State Farm") files this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

**I.**

**FACTUAL AND PROCEDURAL BACKGROUND**

1.1 On July 31, 2015, Plaintiff filed his Original Petition in the matter styled *Braulio Wences v. State Farm Lloyds*, Cause No. DC-15-08591 in the 134th Judicial District Court of Dallas County, Texas. The lawsuit arises out of a claim Plaintiff made for damages to his property under an insurance policy issued by State Farm Lloyds.

1.2 Plaintiff served State Farm with a copy of the Original Petition on October 5, 2015.

1.3 Defendant State Farm files this Notice of Removal within 30 days of receiving Plaintiff's pleading. *See* 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

1.4 All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. §1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiff. As required by 28 U.S.C. § 1446(a), and Rule 81.1 of the Local Rules for the United States District Court of the Northern District of Texas, being filed simultaneously with the filing of this Notice of Removal is an Index of State Court Documents, which is attached hereto as Exhibit "A." A copy of the Civil Docket Sheet is attached hereto as Exhibit "B." A copy of the Civil Case Information Sheet is attached hereto as Exhibit "C." A copy of Plaintiff's Original Petition is attached hereto as Exhibit "D." A copy of Plaintiff's Jury Demand is attached as Exhibit E. A copy of the Citation to State Farm is attached hereto as Exhibit "F," a copy of Defendant State Farm's Original Answer is attached as Exhibit "G," and copies of the state court's Notices of Dismissal for Want of Prosecution are attached as Exhibit H. Finally, Defendant's Certificate of Interested Persons is attached as Exhibit "I."

1.5 Venue is proper in this Court under 28 U.S.C. §1441(a) because this district and division embrace Dallas County, Texas, the place where the removed action has been pending and where the incident giving rise to this lawsuit took place.

## **II.**

### **BASIS FOR REMOVAL**

2.1 Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a) and 1446.

**A. The Parties Are Of Diverse Citizenship.**

2.2 Plaintiff is, and was at the time the lawsuit was filed, an individual whose residence is located in Dallas, Texas. *See* Pl's Original Pet. ¶ 3, attached hereto as Exhibit "D."

2.3 Defendant State Farm is, and was at the time the lawsuit was filed, a citizen of the states of Illinois, Colorado and Pennsylvania. State Farm is a "Lloyd's Plan" organized under Chapter 941 of the Texas Insurance Code. It consists of an association of underwriters, each of whom, at the time this action was commenced were, and still are, citizens and residents of the states of Illinois, Colorado and Pennsylvania. Therefore, State Farm is a citizen and resident of the states of Illinois, Colorado and Pennsylvania for diversity purposes. *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998) ("the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters."); *Rappaport v. State Farm Lloyd's*, 1998 WL 249211 (N.D. Tex. 1998) (finding that State Farm Lloyds is an unincorporated association whose members are completely diverse with Plaintiff, and denying remand).

2.4 Because Plaintiff is a citizen of Texas and Defendant State Farm is a citizen of Illinois, Colorado and Pennsylvania, complete diversity of citizenship exists among the parties.

**B. The Amount in Controversy Exceeds \$75,000.00.**

2.5 This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff's Petition expressly alleges that "Plaintiff seeks monetary relief of over \$100,000.00, but not more than \$200,000.00." *See* Exhibit D, ¶ 70. Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

**III.**  
**CONCLUSION & PRAYER**

All requirements are met for removal under 28 U.S.C. §§ 1332, 1441, and 1446. Accordingly, State Farm Lloyds hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson  
State Bar No. 24029862  
Courtney Kasper  
State Bar No. 24078771

**THOMPSON, COE, COUSINS & IRONS, L.L.P.**  
700 N. Pearl Street, 25th Floor  
Dallas, Texas 75201  
Telephone: (214) 871-8200  
Facsimile: (214) 871-8209  
Email: [rthompson@thompsoncoe.com](mailto:rthompson@thompsoncoe.com)  
Email: [ckasper@thompsoncoe.com](mailto:ckasper@thompsoncoe.com)

**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This is to certify that on the 4th day of November, 2015, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

Bill L. Voss  
Scott G. Hunziker  
Chris Schleiffer  
The Voss Law Center  
26619 Interstate 45 South  
The Woodlands, Texas 77380  
*Counsel for Plaintiff*

/s/ Rhonda J. Thompson

Rhonda J. Thompson